

**UNITED STATES  
DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION**

**# 145454 - SR**

**December 12, 2007  
15:39:07**

**Habeas Corpus**

USAO #: HABEAS 07CV2257  
Judge.: IRMA E GONZALEZ  
Amount.: \$5.00 CK  
Check#: STOFCA#052774

**Total-> \$5.00**

**FROM: THOMAS V. KRAMER  
HABEAS**

FILED

07 DEC -7 PM 12:29

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

9/18 DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ERIC ANGEL THOMAS,

Petitioner,

Civil No. 07cv2257-IEG (BLM)

v.  
M. C. KRAMER, Warden, et al.,

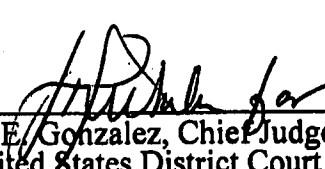
Respondents.

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court DISMISSES the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, no later than February 4, 2008, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. The Clerk of Court shall send a blank Southern District of California In Forma Pauperis Application to Petitioner along with a copy of this Order.

**IT IS SO ORDERED.**

DATED: 12/12/07

  
Irma E. Gonzalez, Chief Judge  
United States District Court

CC: ALL PARTIES